

Amendment No. 1 to SB2224

Woodson
Signature of Sponsor

AMEND Senate Bill No. 2224

House Bill No. 2175*

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-914(a), is amended by deleting the language "2004-2005" in the second sentence of the subsection and substituting instead the language "2005-2006" and by adding the following sentence between the first and second sentences:

Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible four-year postsecondary institution shall be four thousand dollars (\$4,000) for full-time attendance for the 2005-2006 academic year.

SECTION 2. Tennessee Code Annotated, Section 49-4-914(b), is amended by deleting the language "2004-2005" in the second sentence of the subsection and substituting instead the language "2005-2006" and by adding the following sentence between the first and second sentences:

Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible two-year postsecondary institution shall be two thousand dollars (\$2,000) for full-time attendance for the 2005-2006 academic year.

SECTION 3. Tennessee Code Annotated, Section 49-4-915(b), is amended by deleting the language "2004-2005" in the third sentence and by substituting instead the

language "2005-2006" and by adding the following sentence between the second and third sentences:

Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, the supplemental award for full-time students shall be one thousand five hundred dollars (\$1,500) for the 2005-2006 academic year.

SECTION 4. Tennessee Code Annotated, Section 49-4-916(f), is amended by deleting the language "2004-2005" in the third sentence and by substituting instead the language "2005-2006" and by adding the following sentence between the second and third sentences:

Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, the General Assembly Merit Scholar supplemental award for full-time students shall be one thousand five hundred dollars (\$1,500) for the 2005-2006 academic year.

SECTION 5. Tennessee Code Annotated, Section 49-4-921(f), is amended by deleting the language "2004-2005" in the second sentence and substituting instead the language "2005-2006" and by adding the following sentence between the first and second sentences:

Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Wilder-Naifeh technical skills grant awarded under this section shall be one thousand five hundred dollars (\$1,500) for full-time attendance for the 2005-2006 academic year.

SECTION 6. Tennessee Code Annotated, Section 49-4-902(32), is amended by deleting the words and punctuation “or other similar courses.” and by substituting instead the language “international baccalaureate or other similar courses according to the uniform system of weighting of courses adopted by the state board of education under § 49-1-302(a)(18).”.

SECTION 7. Tennessee Code Annotated, Section 49-4-907(3)(A), is amended by deleting the word “unweighted” and by substituting instead the word “weighted”.

SECTION 8. Tennessee Code Annotated, Section 49-4-920(a)(5), is amended by deleting the word “unweighted” and by substituting instead the word “weighted”.

SECTION 9. Tennessee Code Annotated, Section 49-4-902, is amended by adding the following as a new, appropriately designated item:

() “Entering freshman” means a student entering a postsecondary institution who has not attempted any semester hours at any postsecondary institution after graduating from high school, completing high school in a home school program, or obtaining a GED;

SECTION 10. Tennessee Code Annotated, Section 49-4-907, is amended by deleting the words and punctuation “To be eligible for a Tennessee HOPE scholarship,” and substituting instead the words and punctuation “To be eligible for a Tennessee HOPE scholarship as an entering freshman,”.

SECTION 11. Tennessee Code Annotated, Section 49-4-907, is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) Be admitted to and enroll in an eligible postsecondary institution no later than sixteen (16) months after graduation from high school; and

SECTION 12. Tennessee Code Annotated, Section 49-4-908, is amended by deleting the words and punctuation “To be eligible for a Tennessee HOPE scholarship,”

and substituting instead the words and punctuation “To be eligible for a Tennessee HOPE scholarship as an entering freshman,”.

SECTION 13. Tennessee Code Annotated, Section 49-4-908, is amended by deleting subdivision (3) in its entirety and substituting instead the following:

(3) Be admitted to and enroll in an eligible postsecondary institution no later than sixteen (16) months after completing high school in a Tennessee home school program, obtaining a GED, or graduating from high school.

SECTION 14. Tennessee Code Annotated, Section 49-4-916(a), is amended by deleting the word "and" at the end of subdivision (4) and by deleting subdivision (5) in its entirety and substituting instead the following:

(5) Apply for a General Assembly Merit Scholarship; and

(6) Be admitted to and enroll in an eligible postsecondary institution no later than sixteen (16) months after graduating from high school.

SECTION 15. Tennessee Code Annotated, Section 49-4-916(b), is amended by deleting the word “and” at the end of subdivision (3), by deleting the punctuation “.” at the end of subdivision (4) and substituting instead the punctuation “;”, and by adding the following language as new subdivisions (5) and (6):

(5) Apply for a General Assembly Merit Scholarship; and

(6) Be admitted to and enroll in an eligible postsecondary institution no later than sixteen (16) months after completing high school in a Tennessee home school program or graduating from high school.

SECTION 16. Tennessee Code Annotated, Section 49-4-920(a), is amended by deleting the language “To be eligible for a Tennessee HOPE access grant, a freshman student” and by substituting instead the language “To be eligible for a Tennessee HOPE access grant, an entering freshman student”.

SECTION 17. Tennessee Code Annotated, Section 49-4-920(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) Apply for a Tennessee HOPE access grant and file a FAFSA;

SECTION 18. Tennessee Code Annotated, Section 49-4-920(a), is amended by deleting the word “and” at the end of subdivision (5); by deleting the punctuation “.” at the end of subdivision (7) and by substituting instead the punctuation and word “; and” and by adding the following language as new subdivision (8):

(8) Be admitted to and enroll in an eligible postsecondary institution no later than sixteen (16) months after graduation from an eligible high school.

SECTION 19. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new section:

§ 49-4-9__.

(a) To be eligible for a Tennessee HOPE scholarship as a transfer student from a regionally accredited postsecondary institution located outside of Tennessee, a student shall:

(1) Meet the requirements for a Tennessee HOPE scholarship that are applicable to the student for the method and date by which the student completed high school or the requirements applicable to student obtaining a GED;

(2) Be admitted to and enroll in a regionally accredited postsecondary institution located outside of Tennessee within the time frame required for students applying for Tennessee HOPE scholarships who completed high school or obtained a GED on the same date as such student;

(3) Maintain satisfactory progress in a course of study in accordance with the standards and practices used for federal Title IV

programs by the regionally accredited postsecondary institution in which the student is enrolled;

(4) Apply for a Tennessee HOPE scholarship;

(5) Be admitted to and enroll in an eligible postsecondary institution; and

(6) Meet all applicable general requirements for the Tennessee HOPE scholarship at the time of application for the scholarship and at the time of enrollment in an eligible postsecondary institution;

(b) If the student transfers to an eligible postsecondary institution before attempting forty-eight (48) semester hours, then the student shall have a cumulative grade point average of at least 2.75 at the time of transfer to be eligible academically for the scholarship. If the student transfers to an eligible postsecondary institution after attempting forty-eight (48) semester hours or more, then the student shall have a cumulative grade point average of at least 3.0 at the time of transfer to be eligible academically for the scholarships.

(c) A student who applies for a Tennessee HOPE scholarship under this section shall have been continuously enrolled at an out-of-state regionally accredited postsecondary institution or institutions prior to application.

(d) A student receiving a HOPE scholarship under this section shall be eligible to receive the scholarship as provided in § 49-4-913.

(e) If a student receiving a Tennessee HOPE scholarship under this section also meets the academic requirements for a General Assembly Merit Scholarship that are applicable to the student for the method and date by which the student completed high school, then such student shall be eligible for the General Assembly Merit Scholar supplemental award. A student whose adjusted gross income does not exceed the amount set in § 49-4-915(a)(2) shall be

eligible for a supplemental award for need. Pursuant to § 49-4-917, a student may not receive both the supplemental award for need and the supplemental award as a General Assembly Merit Scholar.

(f) A student who would have been eligible to receive a Tennessee HOPE scholarship under § 49-4-909, but who chose to remain at a regionally accredited postsecondary institution located outside of Tennessee instead of enrolling in an eligible postsecondary institution as a sophomore for the 2004-2005 academic year, may apply for a Tennessee HOPE scholarship under this section provided such student meets all applicable requirements for the scholarship.

SECTION 20. Tennessee Code Annotated, Section 49-4-911, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) A student receiving a Tennessee HOPE scholarship who ceases to be academically eligible for the scholarship because the student fails to achieve the cumulative grade point average required at the end of the semester in which the student has attempted a total of twenty-four (24), forty-eight (48), or seventy-two (72) semester hours, or ninety-six (96) semester hours, if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours, may regain the HOPE scholarship, if the student continues to meet all applicable nonacademic requirements for the scholarship, attends an eligible postsecondary institution without the HOPE scholarship, achieves a cumulative grade point average of at least 3.0 at the end of any semester in which eligibility would have been reviewed under this section had the student not lost the scholarship, and reapplies for the scholarship. A student who regains the scholarship and then loses the scholarship a second time by failing to achieve a cumulative grade point average of at least 3.0 at the

end of a subsequent semester in which academic qualifications are reviewed may not regain the scholarship. No retroactive award of a Tennessee HOPE scholarship shall be made under this subsection for semester hours attempted while a student is trying to regain the scholarship.

(d) If a student ceases to be eligible for a Tennessee HOPE scholarship at any time for any reason other than failure to maintain the required cumulative grade point average, then the student shall not be able to regain the Tennessee HOPE scholarship.

SECTION 21. Tennessee Code Annotated, Section 49-4-916, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

(e) If a student receiving a General Assembly Merit Scholarship ceases to be academically eligible for the General Assembly Merit Scholarship by failing to maintain the required cumulative grade point average at the end of any semester in which academic eligibility is reviewed under § 49-4-911, then the student may regain the Tennessee HOPE scholarship award under § 49-4-911(c), but may not regain the General Assembly Merit Scholar supplemental award. If a student receiving a General Assembly Merit Scholarship ceases to be eligible for a General Assembly Merit Scholarship at any time for any reason other than failure to maintain the required cumulative grade point average, then the student shall not be able to regain either the Tennessee HOPE scholarship or the General Assembly Merit Scholar supplemental award.

SECTION 22. Tennessee Code Annotated, Section 49-4-920(e), is amended by designating the existing language as subdivision (1) and by adding the following language as new subdivision (2):

(2) If a student receiving a Tennessee HOPE access grant does not achieve a cumulative grade point average of at least 2.75 at the end of the

semester in which the student has attempted twenty-four (24) semester hours, but the student, without financial assistance from lottery proceeds, continues to attend an eligible postsecondary institution and achieves a cumulative grade point average of at least 3.0 at the end of the semester in which the student has attempted forty-eight (48), seventy-two (72), or ninety-six (96) semester hours or one hundred twenty (120) semester hours, if the student is enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours, then the student shall be eligible for a Tennessee HOPE scholarship, if the student meets all other applicable requirements. If such student's adjusted gross income at the time at which such student achieves academic eligibility does not exceed thirty-six thousand dollars (\$36,000), the student shall be eligible for a supplemental award under § 49-4-915. No retroactive award of a Tennessee HOPE scholarship shall be made under this subsection for semester hours attempted while a student is trying to achieve academic eligibility for the scholarship.

SECTION 23. Tennessee Code Annotated, Section 49-4-911, is amended by adding the following as a new, appropriately designated subsection:

() Notwithstanding provisions of subsections (a) and (b) to the contrary, a student may choose to repeat one (1) course one (1) time and have such student's cumulative grade point average for the purposes of determining whether the student meets the continuation requirements of subsections (a) and (b) calculated as if the only attempt at the course was the attempt in which the highest grade was achieved. Only one (1) course may be repeated for favorable treatment in calculating the grade point average under this subsection. TSAC shall promulgate rules and regulations to effectuate the purposes of this

subsection. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 24. Tennessee Code Annotated, Section 49-4-926(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following new, appropriately designated subdivisions:

() “Dependent child” means a natural or adopted child or stepchild whom a military parent claims as a dependent for federal income tax purposes; provided, however, that such child is under twenty-one (21) years of age;

() “Military parent” means a parent of a dependent child who is:

(A) A member of the armed forces engaged in active military service of the United States and stationed on active duty outside of Tennessee;

(B) A member of the Tennessee national guard engaged in active military service of the United States and stationed on active duty outside of Tennessee;

(C) A full-time civilian employee of the department of defense working outside of Tennessee; or

(D) A person working full-time under a military contract with the department of defense or a branch of the United States armed forces outside of the United States;

SECTION 25. Tennessee Code Annotated, Section 49-4-926(a), is amended by deleting the first sentence of the subsection and by substituting instead the following:

Notwithstanding any provision of this part to the contrary, a student who is a Tennessee citizen and a dependent child of a military parent shall be eligible for a Tennessee HOPE scholarship as an entering freshman, if such student meets all eligibility requirements for such scholarship except that, while the parent is a

military parent, the student does not reside in Tennessee immediately preceding the date of application for financial assistance and the student did not graduate from an eligible high school as defined in § 49-4-902(7), graduate from a Tennessee high school that is not an eligible high school, complete high school in a Tennessee home school program, or obtain a GED from a state-approved institution or organization.

SECTION 26. Tennessee Code Annotated, Section 49-4-926, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) This section shall apply only to:

(1) Dependent children of members of the armed forces or Tennessee national guard whose home of record at the time of entry into military service was determined to be Tennessee;

(2) Dependent children of full-time civilian employees of the United States department of defense who are domiciled in Tennessee; and

(3) Dependent children of persons working full-time under military contract with the department of defense or a branch of the United States armed forces outside of the United States who are domiciled in Tennessee.

SECTION 27. Tennessee Code Annotated, Section 49-4-902, is amended by adding the following language as a new, appropriately designated subdivision:

() "Dual enrollment grant" means a grant for study at an eligible postsecondary institution that is funded from net proceeds of the state lottery and awarded to students who are attending high school and who are also enrolled in college courses at eligible postsecondary institutions for which they will receive college credit.

SECTION 28. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new, appropriately designated section.

Section 49-4-9__.

(a) A high school student who is also enrolled in an eligible postsecondary institution shall be eligible for a dual enrollment grant, if the student:

(1) Is not ineligible for the grant under § 49-4-904;

(2) Is domiciled in Tennessee on the date of application for a grant or for the renewal of a grant, who is attending high school in Tennessee or attending a Tennessee home school;

(3) Is admitted to an eligible postsecondary institution as a dual enrollment student; and

(4) Makes application for the dual enrollment grant.

(b)

(1) To be eligible for a dual enrollment grant, a high school student who is attending an eligible high school shall, at the time of application for the grant, have an overall unweighted high school grade point average of at least 3.0, if applying for the 2005-2006 academic year, or an overall weighted high school grade point average of at least 3.0, if applying for the 2006-2007 academic year or a subsequent academic year, a composite ACT score of at least 21 on any single ACT test date or a combined SAT score of at least 980 on any single SAT test date.

(2) To be eligible for a dual enrollment grant, a high school student who is attending a high school located in Tennessee that is not an eligible high school or who is attending a Tennessee home school shall, at the time of application for the grant, have a composite ACT score

of at least 21 on any single ACT test date or a combined SAT score of at least 980 on any single SAT test date.

(c) A student who receives a dual enrollment grant for one (1) semester shall reapply for a dual enrollment grant for the student's next semester of attendance at an eligible postsecondary institution. To be eligible for a dual enrollment grant for a semester beyond the first semester of receipt, the student shall continue to meet all eligibility requirements for the grant and shall achieve a cumulative grade point average of 2.75 for all postsecondary courses attempted under a dual enrollment grant.

(d) The receipt of a dual enrollment grant is contingent upon admission to an eligible postsecondary institution. Academically qualifying for a dual enrollment grant does not guarantee admission to an eligible postsecondary institution.

(e) Semester hours attempted under a dual enrollment grant shall count under § 49-4-913 toward the total semester hours attempted at postsecondary institutions for purposes of Tennessee HOPE scholarship eligibility.

(f) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, the award for a dual enrollment grant shall be no more than the tuition and fees for courses taken under such grant. In any fiscal year, the maximum amount of such grant shall be determined in accordance with § 4-51-111 and shall be set in the General Appropriations Act. It is the intent of the general assembly that funding for Tennessee HOPE scholarships, Tennessee HOPE access grants, and Wilder-Naifeh technical skills grants take priority over funding for dual enrollment grants.

(g) Grants awarded under this section shall not commence prior to the fall semester of 2005.

SECTION 29. Tennessee Code Annotated, Section 49-4-905(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) To be eligible for a Tennessee HOPE scholarship, Tennessee HOPE access grant, or a Wilder-Naifeh technical skills grant, a student shall:

(1) Be domiciled in Tennessee, as defined by regulations promulgated by the board of regents under § 49-8-104, on the date of application for a scholarship or grant or for the renewal of a scholarship or grant;

(2) Make application for a Tennessee HOPE scholarship, Tennessee HOPE access grant, or Wilder-Naifeh technical skills grant; and

(3) Be admitted to an eligible postsecondary institution.

SECTION 30. Tennessee Code Annotated, Section 49-4-902, is amended by deleting the subdivision (25) in its entirety and by substituting instead the following:

(25) "Student who has obtained a GED" means a student who has been domiciled in Tennessee for at least one (1) year prior to obtaining a GED;

SECTION 31.

(a) A student who was eligible for a Tennessee HOPE scholarship, a General Assembly Merit Scholarship, or a Tennessee HOPE access grant for the 2004-2005 academic year, but who did not attend any postsecondary institution in the 2004-2005 academic year, may apply for such scholarship under the amendments made to title 49, chapter 4, part 9 by Sections 9 through 18 of this act. TSAC shall award the scholarship, if the student meets all applicable requirements for the scholarship and the student is admitted to and enrolls in an eligible postsecondary institution no later than

sixteen (16) months after graduation from an eligible high school, a high school located in Tennessee that is not an eligible high school, completing high school in a Tennessee home school or obtaining a GED.

(b) TSAC may award a Tennessee HOPE scholarship retroactively to any student for any semester of the 2004-2005 academic year in which the student would have qualified for the scholarship under the provisions of § 49-4-911(c), as amended by Section 20 of this act, concerning regaining the scholarship had such provisions been in effect during that academic year. A student shall apply to TSAC for the retroactive award of the scholarship under this subsection.

SECTION 32. TSAC shall award a Tennessee HOPE scholarship retroactively to any student for any semester of the 2004-2005 academic year in which the student would have qualified for the scholarship under the provisions of Section 19 of this act, concerning transfer from a regionally accredited postsecondary institution located outside of Tennessee, had such provisions been in effect during that academic year. A student shall apply to TSAC for the retroactive award of the scholarship under this section.

SECTION 33. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 34. Sections 6, 7, and 8 of this act shall take effect July 1, 2006, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming a law, the public welfare requiring it.